

IN THE SENATE

SENATE BILL NO. 1051

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO AERONAUTICS; TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 2, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-213, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING CHAPTER 2, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-214, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO RESTRICTIONS ON GATHERING EVIDENCE OR OTHER INFORMATION THROUGH THE USE OF A DRONE OR OTHER UNMANNED AIRCRAFT AND TO PROVIDE FOR CONSENT; AMENDING CHAPTER 2, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-215, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE USE OF A DRONE BY A LAW ENFORCEMENT AGENCY WHEN EXIGENT CIRCUMSTANCES EXIST; AND AMENDING CHAPTER 2, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-216, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO A CIVIL ACTION AND TO PROVIDE THAT NO INFORMATION OBTAINED IN VIOLATION OF THE PROVISIONS OF THIS ACT MAY BE ADMISSIBLE AS EVIDENCE IN CERTAIN PROCEEDINGS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. SHORT TITLE. This act may be cited as the "Preserving Freedom from Unwarranted Surveillance Act."

SECTION 2. That Chapter 2, Title 21, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 21-213, Idaho Code, and to read as follows:

21-213. FREEDOM FROM UNWARRANTED SURVEILLANCE -- DEFINITIONS. For the purposes of sections 21-214, 21-215 and 21-216, Idaho Code, the following terms have the following meanings:

(1) "Drone" means any powered aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, can fly autonomously or be piloted remotely, can be expendable or recoverable and can carry a lethal or nonlethal payload.

(2) "Law enforcement agency" shall have the same meaning as provided for in section 18-4508, Idaho Code.

(3) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

SECTION 3. That Chapter 2, Title 21, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 21-214, Idaho Code, and to read as follows:

21-214. RESTRICTIONS ON GATHERING OF EVIDENCE. (1) No person, entity or state agency shall use a drone or other unmanned aircraft to gather evidence or other information pertaining to criminal conduct or conduct in violation of a statute, ordinance, regulation or rule, except to the extent authorized in a warrant.

1 (2) No person, entity or state agency shall use a drone or other un-
2 manned aircraft to conduct surveillance of any individual, property owned by
3 an individual, farm or agricultural industry without the consent of that in-
4 dividual, property owner, farm or agricultural industry.

5 SECTION 4. That Chapter 2, Title 21, Idaho Code, be, and the same is
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
7 ignated as Section 21-215, Idaho Code, and to read as follows:

8 21-215. USE OF UNMANNED AIRCRAFT -- EXIGENT CIRCUMSTANCES. The pro-
9 visions of this act do not prohibit the use of a drone by a law enforcement
10 agency when exigent circumstances exist. For the purposes of this section,
11 exigent circumstances exist if a law enforcement agency possesses reason-
12 able suspicion that, under particular circumstances, swift action to pre-
13 vent imminent danger to life is necessary.

14 SECTION 5. That Chapter 2, Title 21, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 21-216, Idaho Code, and to read as follows:

17 21-216. REMEDIES FOR VIOLATION OF THE PROVISIONS OF THIS ACT -- USE OF
18 INFORMATION OBTAINED. (1) In a civil action any aggrieved party may obtain
19 all appropriate relief to prevent or remedy a violation of the provisions of
20 this act.

21 (2) No information obtained or collected in violation of the provisions
22 of this act may be admissible as evidence in a criminal proceeding in any
23 court of law in the state or in an administrative hearing.